

AMENDED IN ASSEMBLY APRIL 12, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

## ASSEMBLY BILL

**No. 2601**

**Introduced by Assembly Member Jeffries**

**(Coauthors: Assembly Members Bill Berryhill, Tom Berryhill, Conway, Cook, DeVore, Emmerson, Fletcher, Gaines, Garrick, Harkey, Logue, Miller, Nestande, Niello, Nielsen, Smyth, Tran, and Villines)**

**(Coauthors: Senators Aanestad, Ashburn, Cogdill, Dutton, Harman, Hollingsworth, Runner, Strickland, and Wyland)**

February 19, 2010

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An act to amend Section 8589.19 of, and to add Section 8589.24 to, the Government Code, relating to firefighting, and making an appropriation therefor.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2601, as amended, Jeffries. Firefighting.

The State Assistance for Fire Equipment Act authorizes the Secretary of Emergency Management to acquire specified firefighting apparatus and equipment for resale to a local agency, as defined, that provides fire suppression services or a fire company. Existing law also establishes the State Assistance for Fire Equipment Account, a continuously appropriated fund, for purposes of the act. Existing law requires the secretary to consult with a specified committee before adopting regulations implementing the act.

This bill would annually appropriate \$45,600,000 of revenue received by the state from the accessing of oil and gas reserves located beneath state coastal waters, generally known as the "T-Ridge Project," for firefighting purposes, including, but not limited to, the purchase of

firefighting and rescue vehicles and equipment, vegetation management and defensible space projects, and specified training courses and materials, thereby making an appropriation. This bill would also require the secretary to consult with additional specified individuals involved in firefighting before adopting certain regulations.

Vote:  $\frac{2}{3}$ . Appropriation: yes. Fiscal committee: yes.

State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. This act shall be known as the California  
2 Emergency Fire and Rescue Apparatus Funding Act of 2010.

3 SEC. 2. (a) The Legislature finds and declares that California's  
4 emergency fire service personnel and equipment are routinely  
5 called upon to mitigate the effects of terrorist acts, fires, floods,  
6 earthquakes, and other mass casualty rescues and fires, including,  
7 but not limited to, significant regional emergencies directly related  
8 to train derailments, commercial and passenger aircraft accidents,  
9 oil pipeline and hazardous waste spills and fires, landfill and  
10 electrical infrastructure fires, mass casualty accidents on state  
11 highways, and urban interface wildland fires as evidenced by the  
12 destruction caused by, but not limited to, the 1989 Loma Prieta  
13 and the 1994 Northridge earthquakes, the 1989 San Bernardino  
14 Duffy Street train derailment disaster, the 1978 San Diego and the  
15 1986 Cerritos midair collisions, the 2005 La Conchita landslide,  
16 the 1991 Oakland hills firestorm, the wildland firestorms in 2003,  
17 2007, and 2008, and the environmental damage caused by the 1996  
18 Panoche and the 1998 Tracy used tire stockpile fires.

19 (b) The Legislature finds and declares that, given the increase  
20 in the state population and the intensity and frequency of disasters  
21 within the state, it is evident that assistance is needed to enable  
22 the state to purchase additional firefighting and emergency  
23 equipment and apparatus for state and local emergency response  
24 and further build the ability to mitigate the effects of all forms of  
25 disasters.

26 SEC. 3. Section 8589.19 of the Government Code is amended  
27 to read:

28 8589.19. (a) After consultation with the California Emergency  
29 Management Fire Advisory Committee, the chairperson of the  
30 Blue Ribbon Fire Commission, the Director of Forestry and Fire

1 Protection, the State Fire Marshal, and the chairperson of the State  
2 Board of Fire Services, the secretary shall adopt rules and  
3 regulations governing the operation of the programs created by  
4 this article pursuant to the Administrative Procedure Act, Chapter  
5 3.5 (commencing with Section 11340) of Part 1 of Division 3.

6 (b) The rules and regulations adopted pursuant to subdivision  
7 (a) shall include, but not be limited to, all of the following:

8 (1) The specific types of firefighting apparatus and equipment  
9 which may be acquired, rehabilitated, and resold.

10 (2) The amount and terms of resale contracts.

11 (3) The time, format, and manner in which local agencies may  
12 apply for resale contracts.

13 (4) Priorities for assisting local agencies which shall give  
14 preference to local agencies which meet all of the following:

15 (A) Demonstrated need for primary response firefighting  
16 apparatus and equipment.

17 (B) Will be adequately able to operate and maintain the  
18 firefighting apparatus and equipment.

19 (C) Have already used other means of financing the firefighting  
20 apparatus and equipment.

21 SEC. 4. Section 8589.24 is added to the Government Code, to  
22 read:

23 8589.24. (a) From the revenue received by the state from the  
24 accessing of oil and gas reserves located beneath state coastal  
25 waters, generally known as the "T-Ridge Project," forty-five  
26 million six hundred thousand dollars (\$45,600,000) shall annually  
27 be deposited in the General Fund to be expended for firefighting  
28 purposes, as follows:

29 (1) Thirty million seven hundred fifty thousand dollars  
30 (\$30,750,000) shall be deposited into the State Assistance for Fire  
31 Equipment Account for the purposes of the State Assistance for  
32 Fire Equipment Act. In addition to firefighting apparatus and  
33 equipment, as defined in subdivision (c) of Section 8589.10, the  
34 secretary may use funds appropriated under this section to purchase  
35 any fire engine, as defined as a Type 1, 2, 3, or 4 fire engine, Type  
36 1 or 2 water tender, heavy rescue vehicle, combination lighting  
37 and air support vehicle or squad with a rated gross vehicle weight  
38 of one ton or greater that is not primarily designed and utilized to  
39 transport patients, Type 1 mobile communication center vehicle,  
40 *Urban Search and Rescue equipment and apparatus*, and rescue

1 equipment for the purposes of extricating or rescuing entrapped  
2 persons from mass casualty emergency incidents. *The secretary*  
3 *shall use funds appropriated pursuant to this paragraph only for*  
4 *the purchase of new equipment and apparatus.*

5 (2) Three million three hundred thousand dollars (\$3,300,000)  
6 is hereby annually appropriated to the Department of Forestry and  
7 Fire Protection for the purposes of conducting vegetation  
8 management and defensible space projects and wildfire  
9 environmental restoration, including, but not limited to, grants to  
10 local agencies and the Fire Safe Council to employ contractors  
11 and vendors to fund vegetation management and defensible space  
12 projects and wildfire environmental restoration.

13 (3) Ten million two hundred fifty thousand dollars (\$10,250,000)  
14 is hereby annually appropriated to the Department of Forestry and  
15 Fire Protection for the purposes of funding the purchase and  
16 replacement of aging fire engines, bulldozers, and transports for  
17 the department, and to fund the purchase of Urban Search and  
18 Rescue equipment and apparatus *if and* when the department  
19 assembles a USAR Team on or after July 1, 2012.

20 (4) One million dollars (\$1,000,000) is hereby annually  
21 appropriated to the office of the State Fire Marshal, State Fire  
22 Training, for the purposes of providing training courses and  
23 materials related to state or federally mandated firefighter training  
24 and certification, including, but not limited to, training courses on  
25 weekends for all volunteer and combination fire agencies in rural  
26 communities.

27 (5) Three hundred thousand dollars (\$300,000) is hereby  
28 annually appropriated to California Volunteers for the purposes  
29 of assisting local agencies in rural communities with volunteer  
30 firefighter recruitment and retention materials, training, and  
31 incentive programs.

32 (b) For purposes of this section, “rural communities” means  
33 any community with a population less than or equal to 20,000  
34 residents with two or fewer fire stations primarily staffed by  
35 volunteer firefighters or a combination of career and volunteer  
36 firefighters.